

PRESERVED

App. F. IX-4

Previous Références

193

(*Count*)

Count
~~*Law*~~

File No. 149-39

Serial Nos. 2-5

Later References

B ~~*18*~~

General and Revenue Secretariat.

Serial Nos.

PRESERVED

Part B for

Mr 40

SUBJECT

Payment of C. A. to Bench Magistrates

M. R. R. R.
10/4/48

Serial
No.

R. 24. (Case 239) All the present
Conveyance allowance to the Bench Master

At present a Conveyance allowance of Rs 40/-
p.m. is being paid to the Chairman of
the Bangalore City Bench Court and a
sum of ~~Rs~~ Rs 30/- to the Lady Magistrate
of the Bangalore City Bench Court ^{during} for the
days of sitting period. They sit on the Bench

Vide page 11
of Criminal Rules
of practice etc. II

Under the existing orders, Selection has to be
made among persons residing in the Station
where the Court is situated or in such close
proximity as to permit of their attending
the Court easily without expense or trouble.
If a sufficient number of such persons is
not available for the Bench, people residing at
some distance from the Court may be selected
in rare and exceptional cases on the
understanding that no allowance will be
claimed by them for the expenses of their
journey to the Court.

③ In the representation, it has not been definitely
stated that every Honorary Magistrate has to be
paid Conveyance allowance. It is however
assumed that what is intended is that

File No.

80

1834
of 1939

General and Revenue
Secretariat.

Serial
No.

Every Bench Magistrate should be paid ~~some~~
conveyance allowance.

held with reference to ~~the~~ ^{the} ~~Magistrate~~ ^{Magistrate}

can
2/5
1000

(4) The service rendered
by Bench Magistrates is of an
honorary kind. It is not desirable
that they should be given any conveyance
allowance. As provided in the rules
of practice, care is taken to appoint
only such persons as live near
the courts. ^{Given in respect of persons that are at distance from the}
~~It is also a condition~~
Court, it is understood that no conveyance
allowance should be claimed by them.

as ordered

Law Secretary 22.9.39

B 2

(5) 22.9.39

BKR
22.9

25/9

(6) A Note was put up for approval

can
26/9
1000

(7) BKR
28.9.39

8) RA Section kindly to take 3 copies of the note
and returning the file

can
28/9
1000

9) Copies taken
28/9/39

Sub B till
1.12.39

Promise.

Action taken.

(10)

63. In reply to Representation 142
the first Member of Council promised that
Government would reconsider the question of
granting conveyance allowances to Bench
Magistrates and pass necessary orders in
view of the fact that some of them had to come to
Court from long distances.

(Sixth Day - Representation No.142).

(11) Inbnd for Order as to whether the High
Court may be consulted in the matter

(12) A draft is also put up

(13) Done

18.1.40

The Registrar High Court

No P 4722 d 12.1.40

calls for opinion in the matter

Subd with a draft of a reminder

for orders

hm

16/3

Issued No P 6277

d 18.3.1940

④ Payment of conveyance allowance to Bench Magistrates

File No.

149

6223

of 1939

General and Revenue
Secretariat.

Serial
No.

4

From

The Registrar High Court

D. No. 302/39-40 D. Dt. 6. 1940.

States that it would be encouraging if
an allowance ~~for~~ ~~any~~ is paid for any
Honorary Magistrate 3 miles or more from
his Court house.

(14) It is stated that 11 Honorary Magistrates
would be eligible ~~for~~ ~~for~~ ~~for~~

for an allowance

(15) The High Court have not furnished
particulars relating to the ~~exact~~ approximate
amount that would be required in
this behalf and ^{no information is available as to} whether the amount

so required can be met from the
sanctioned grants of the Criminal Courts.

(16) It is for orders as to whether the
above particulars may be asked for from
the High Court

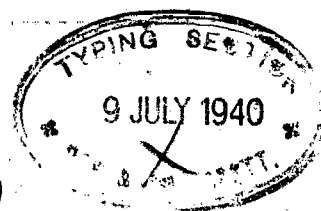
(17) A draft is also put up.

(18) may be approved

See Secretary

(19) Hm
8/7

(20) m m q l ?



Can
8/7
done

Serial
No.

10

Sms A

The Registrar High Court
No P 220 d. 10.7.40
Calls for further particulars

From

The Registrar High Court
D. Dis 47/40-41 dt 23.8.1940.

States that a sum of Rs 360/- would be required per annum on account of the proposed scheme of payment of conveyance allowance to Bench Magistrates and that the sum can be met by reappropriation during the current year.

It is now stated that the number of Honorary Magistrates who would be eligible for the payment of conveyance allowance is 12 but not 11 as was reported in the High Court letter of 21.6.1940 and that the scheme would cost Rs 360/- per annum.

The High Court have stated that the sum of Rs 360/- can be met by reappropriation during the current year. It is assumed from this that a provision of Rs 360/-

This excludes the
Chairman and the
Sdny Magistrate Bangalore
city who are being paid
Rs 60/- and 30/- respectively

(7/4/40)



1301

R.A. Subject (Sasara 1939) re. the payment of
C.A. to Bench Magistrates

Chs File No. 149 of 1939.

General and Revenue
Secretariat.

Serial
No.

Will have to be included in the budgets of
the future years commencing from 1941-42
of the Judicial Dept.

(23) Submitted with reference to the promise
made in the R.A. of 1939 (Sasara Session)
re. the payment of C.A. to Bench Magistrates.

Page 3.

(24) The Financial Sectt may also be consulted

L.H.
C.M.
28/8

(25) (The proposal of the High Court
is to grant a C.A. at Rs 10/- p.m for
3 months in a year to any one Magistrate
who lives 3 miles or more from the Court house).

P.D II

P.D I

The Fin Secy may be consulted
as to feasibility

Secy)

3
29/8

Fin Secy)
M.C.

H.M.
30/8/40

3
30/8

What is the practice in Br. India?

The definite views of the admsve Secy may
be recorded in the file in regard to the proposal

(26)

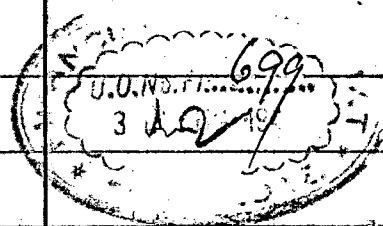
3.9.40

W

H.M.

6/9/40

3
6/9



Serial
No.

The question was discussed by the Law Secretary with the Financial Secretary and the Joint Member of Council.

The Law Secretary was pleased to order that the proposal might lie over for the present in view of the fact that some Courts are likely to be abolished and in some other Courts it is

likely that the Bench Magistrates would be deprived of the power to try cases under the Indian Penal Code.

It was ordered that the file might be put up at a suitable opportunity when the same will be called for

~~Am~~

15/9

B. + S.

1834839
FORM I. C 15 80-39-5

Memorandum of Subject proposed for discussion in the Dasara

Session of the Representative Assembly of the Bangalore District.

For the Dasara Session of October 1939.

WD 0501—GPB—2,000—23-8-38

No. 8

Subject

Conveyance allowance to
all Bench Magistrates.

Name of Member proposing

Mr. S. Kunivonkatappa,
Bangalore City.

Summary of Representation.

Courts of the Bench of Magistrates have been established in Bangalore and Mysore and the members are invested with the powers of second Class Magistrates. At present, no member of the bench, except the Chairman and the lady members is entitled to conveyance allowance during the term of ^{his} office.

~~Previous references relating to the subject~~

Remarks by the Deputy Commissioner.

Under rule 1 (b) to sec. III (5) of Chapter II of Criminal Rules of Practice, only persons in such close proximity as to permit their attending the Court easily without expense or trouble should be selected. If sufficient number of such persons are available, people residing at some distance from the Court may be selected in rare and exceptional cases on the understanding that no allowance will be claimed by them for the expenses of their journey to the Court.

This is an honorary service which well-to-do people offer themselves to take up. ~~Remarks by the Deputy Commissioner~~ the question of the class of powers that the Courts exercise has no bearing on the grant or otherwise of conveyance allowance, which if granted to Magistrates of second class bench will be claimed by Magistrates of third class courts also.


Deputy Commissioner,
Bangalore District.

FORM I.

Memorandum of Subject proposed for discussion in the Dasara

Session of the Representative Assembly of the Bangalore District.

For the Dasara Session of October 1939.

WD 0501—GPB—2,000—23-8-38

No. 6

Subject

Conveyance allowance to
all Bench Magistrates.

Name of Member proposing

Mr. S. Lunivenkatappa,
Bangalore City.

Summary of Representation.

Courts of the Bench of Magistrates have been established in Bangalore and Mysore and the members are invested with the powers of second class Magistrates. At present, no member of the Bench, except the Chairman and the Lady members is entitled to conveyance allowance during the term of ^{his} office.

~~Previous references relating to this subject~~

Remarks by the Deputy Commissioner.

Under rule 1 (b) to Sec. III (b) of Chapter II of Criminal Rules of Practice, only persons in such close proximity as to permit their attending the Court easily without expense or trouble should be selected. If sufficient number of such persons are available, people residing at some distance from the Court may be selected in rare and exceptional cases on the understanding that no allowance will be claimed by them for the expenses of their journey to the Court.

This is an honorary service which well-to-do people offer themselves to take up. ~~the question of the class of powers that~~ the Courts exercise has no bearing on the grant or otherwise of conveyance allowance, which if granted to Magistrates of second class bench will be claimed by Magistrates of third class courts also.


Deputy Commissioner,
Bangalore District.

R.A. Representation 108 is the grant of Conveyance allowance to all Bench Magistrates:-

The Services rendered by the Special Magistrates of the Bench Courts are of an honorary kind and as such they are not being paid any Conveyance allowance. An exception is however made in the cases of the Chairman of the Bench Court Bangalore City and the Lady Magistrates of that Court. The former is being paid Rs 40/- and the latter Rs 30/- during the period they sit on the Bench.

~~Worked as a Magistrate?~~

In pursuance of the existing rules on the subject, care is taken to appoint only $\frac{1}{2}$ such persons as live near the Courts and if a sufficient number of such persons is not available for the Bench, people residing at some distance from the Court are selected in rare and

Exceptional Cases on the
understanding that no
allowance is claimed by them
for the expenses of their
journey to the Court.

BKR

THE MYSORE REPRESENTATIVE ASSEMBLY.

Dasara Session 1939.

Subject No.8 by Mr. S.Munivenkatappa, Bangalore City regarding the
Conveyance allowance to all Bench Magistrates.

Secretariat Note.

The services rendered by the Special Magistrates of the Bench Courts are of an honorary kind and as such they are not being paid any conveyance allowance. An exception is however made in the cases of the Chairman of the Bench Court Bangalore City and the Lady Magistrates of that Court. The former is being paid Rs.40/- and the latter Rs.30/- during the period they sit on the Bench.

In pursuance of the existing rules on the subject, care is taken to appoint only such persons as live near the Courts and if a sufficient number of such persons is not available for the Bench, people residing at some distance from the Court are selected in rare and exceptional cases on the understanding that no allowance is claimed by them for the expenses of their journey to the Court.

BK Ramakrishna Murthy
For Secretary to Government
Law Department.

C/Sec

G. R. S. App. F. G. 3.

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

No. P4722 C5 149-39-3
8.12.1.40.

To

The Registrar

High Court

Sir

I am directed to state that in the course of discussions during the recent meetings of the R.A. on the subject of payment of conveyance allowance to Bench Magistrates, Govt promised to reconsider the question in view of the fact that some of the Bench Magistrates had to address cases to Court from long distances.

I am to ^{request that Govt may be permitted} ~~consider~~ the opinion of the High Court in the matter.

I have etc.

ORR

In Secy to Govt
Law Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 11th January, 1940.

No. P4722

12

C5-149-39-3

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Registrar,
High Court of Mysore,
B a n g a l o r e.

Sir,

I am directed to state that in the course of discussions during the recent meetings of the Representative Assembly on the subject of payment of conveyance allowance to Bench Magistrates, Government promised to reconsider the question in view of the fact that some of the Bench Magistrates had to come to Court from long distances.

I am to request that Government may be furnished with the opinion of the High Court on the matter.

I have the honour to be,

S i r,

Your most obedient servant,



For Secretary to Government
Law Department.



~~R. O. C.~~ No. 302
D₁ Dis. 39-60

Bangalore, ... 20th June 1940 ...
21

AX Sundakuraja Rao, Esq, XB AX, XB L.,

Registrar, High Court of Mysore.

B a n g a l o r e.

TO
OF MYSORE

H
2/16
m
2/16

SIR,

SIR,

J. Shanmugasundaram
Registrar.

12

BCR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

No. P220CS-149-85-5-

Dated, Bangalore, 18th July 1940....

FROM

*The Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.*

TO

*The Registrar,
High Court of Mysore,
Bangalore.*

Sir,

With reference to your letter No.D1 Dis. 302/39-40 dated 21st June 1940 regarding the payment of conveyance allowance to the Bench Magistrates, I am directed to request that further particulars may be furnished to Government as to the approximate cost involved in the proposal and whether the required amount can be met out of the sanctioned grants allotted to the Criminal Courts.

I have the honour to be,

Sir,

Your most obedient servant,

h

JW Secretary to Government,
Law Department.

Wm

SUBJECT.....

Section

C15

File No.

129-39

Serial No.

5

Diary No. of letter replied to

No. P 220.

To

The Registrar
High Court

General and Revenue Secretariat

()

the

193

Date of issue.....

18/7/40

Signed by.....

Mr. K.P.P.

List of enclosures.....

Copied by.....

Examined by.....

Sir,

With reference to your letter
No 8, Dis 302/39-60 of 21.6.40
regarding the payment of
conveyance allowance to the
Bench Magistrates, I am
directed to request that
further particulars may be
furnished to Govt as to
the approximate cost involved
in the proposal and whether
the required amount can be

met out of the Sanctioned
grants allotted to the Criminal
Courts.

I have etc

Hm
8/7 ✓

For Secy to Govt
Law Dept

1301/860

R.O.C. No. 47
D. Dis. 60-61
LAW DEPT.

SECY. LAW DEPT.
26 AUG. 1940
FROM MYSORE

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 23rd August 1940.

T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

Hm
26/8
To 26/8

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department, Bangalore.

SIR,

A.

With reference to your letter No.P.220/Cts.149-39-5, dated 10-7-40, requesting further information regarding the proposal for payment of a conveyance allowance to the Bench Magistrates, I am directed to state that the cost calculated at the rate of Rs.10/- for each month according to the present places of residence of Honorary Magistrates, if the allowance is drawn only for 3 months in a year by any one Magistrate, will be Rs.360/- a year and it is probable can be provided by reappropriation in the present official year. The number of Honorary Magistrates eligible for the allowance is 12 and not 11 as stated in my letter No.Dl.Dis.302/39-40, dated 21-6-40.

2. I am to add that in the case of the Chairman and the Lady Magistrates of the Bangalore City Bench Court an allowance of Rs.40/- (40) for the former and Rs.30/- to each of the latter has already been sanctioned, and they will therefore not get this proposed allowance of Rs.10/-.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar
Registrar.

67